

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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DR. JUDY WOOD on behalf of the
UNITED STATES OF AMERICA,

Plaintiff / Relator,

- against -

APPLIED RESEARCH ASSOCIATES, INC.;
SCIENCE APPLICATIONS INTERNATIONAL
CORP.; BOEING; NuSTATS; COMPUTER
AIDED ENGINEERING ASSOCIATES, INC.;
DATASOURCE, INC.; GEOSTAATS, INC.;
GILSANZ MURRAY STEFICEK LLP;
HUGHES ASSOCIATES, INC.; AJMAL
ARBASI; EDUARDO KAUSEL; DAVID
PARKS; DAVID SHARP; DANIELE
VENEZANO; JOSEF VAN DYCK; KASPAR
WILLIAM; ROLF JENSEN & ASSOCIATES,
INC.; ROSENWASSER/GROSSMAN
CONSULTING ENGINEERS, P.C.; SIMPSON
GUMPERTZ & HEGER, INC.; S.K. GHOSH
ASSOCIATES, INC.; SKIDMORE, OWINGS &
MERRILL, LLP; TENG & ASSOCIATES, INC.;
UNDERWRITERS LABORATORIES, INC.;
WILL, JANNEY, ELSTNER ASSOCIATES,
INC.; AMERICAN AIRLINES; SILVERSTEIN
PROPERTIES; and UNITED AIRLINES,

Defendants.

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: **Index No.:**
: **07-CV-3314 (GBD)**

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: **NOTICE OF MOTION**
: **TO DISMISS**

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PLEASE TAKE NOTICE that, upon the accompanying declaration of Jason Harrington, Esq., of WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER LLP, attorneys for defendant GILSANZ MURRAY STEFICEK LLP ("GMS"), GMS hereby joins, adopts and incorporates the motion to dismiss papers submitted by co-defendants Simpson Gumpertz & Heger, Inc. and Computer Aided Engineering Associates, Inc., docketed item numbers 52-54, filed with the Court on February 28, 2008, seeking to dismiss Plaintiff/Relator's Complaint in its entirety pursuant to Fed. R. Civ. P. 9(b), 12(b)(1), 12(b)(6) and 12(h)(3).

WHEREFORE, GMS respectfully requests that this Court permit GMS to join, adopt, incorporate, and rely upon the memorandum of law and supporting facts, contained within the motion to dismiss papers submitted by co-defendants Simpson Gumpertz & Heger, Inc. and Computer Aided Engineering Associates, Inc., and further requests that this Court dismiss, in its entirety and with prejudice, Plaintiff/Relator's Complaint, together with such other and further relief as this Court deems just and appropriate.

Dated: New York, New York
February 28, 2008

Yours etc.,

WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER LLP

By: /s/ Jason Harrington
Jason Harrington (JH7273)
Attorneys for Defendant
Gilsanz Murray Steficek
150 East 42nd Street
New York, NY 10017
(212) 490-3000 (p)
(212) 490-3038 (f)

To:

JERRY V. LEAPHART & ASSOCIATES, P.C.
Attn: Jerry V. Leaphart, Esq.
Attorneys for Plaintiff/Relator
8 West Street, Suite 203
Danbury, CT 06810

and

All appearing parties via CM/ECF

CERTIFICATE OF SERVICE

I hereby certify that on the 28th day of February 2008, I electronically filed the **NOTICE OF MOTION TO DISMISS** and accompanying declaration, on behalf of Defendant GILSANZ MURRAY STEFICEK LLP with the Clerk of the Court using the CM/ECF system which sends e-mail notification to appearing parties.

In addition, I further certify that on the 28th day of February 2008, I caused the **NOTICE OF MOTION TO DISMISS** and accompanying declaration, on behalf of Defendant GILSANZ MURRAY STEFICEK LLP, to be served via first class mail upon the following party:

JERRY V. LEAPHART & ASSOCIATES, P.C.
Attn: Jerry V. Leaphart, Esq.
Attorneys for Plaintiff/Relator
8 West Street, Suite 203
Danbury, CT 06810

By: /s/ Jason Harrington